ORIGINAL

ORDINANCE NO. 51

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ESTABLISHING PROCEDURES FOR THE CONSTRUCTION AND MAINTENANCE OF SIDEWALKS

WHEREAS, the city of Shoreline will incorporate on August 31, 1995; and

WHEREAS, the City wishes to protect the health, safety and welfare of residents of the City by providing for the construction and maintenance of sidewalks; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Definitions. For the purpose of this ordinance and unless the context plainly requires otherwise, the following terms shall have the following meanings:

1. Abutting property means all property having a frontage upon the sides or margins of any public right-of-way.

2. Curb means a cement, concrete or asphaltic concrete raised structure designed to delineate the edge of the street and to separate the vehicular portion from that provided for pedestrians.

3. City means the City of Shoreline, a Washington municipal corporation.

4. City council means the City of Shoreline Council acting in its official capacity.

5. Director means the City Manager or designee.

6. Maintenance means the removal and disposal of debris, litter, vegetation, snow and ice from sidewalks.

7. Occupant means a person who is occupying, controlling or possessing real property, or his or her agent or representative.

8. Owner means a person who has legal or equitable title to real property, or his or her agent or representative.

9. Person means a person, firm, association, partnership, corporation or individual.

ORIGINALO

10. Public right-of-way means the land owned, dedicated or conveyed to the public or a unit of government, providing for the movement of vehicles, wheelchair and pedestrian traffic, access to abutting property, the location of utility lines, driveways, appurtenances and other facilities benefiting the public.

11. Sidewalk means all hard-surface walkways within public rights-of-way in the area between the street margin and the roadway, including driveways.

12. Street means any street, road, boulevard, avenue, alley, lane, way or place, or any portion thereof.

Section 2. Abutting property owner to maintain sidewalk in safe condition. It shall be the responsibility of the owner of property abutting upon a public sidewalk to maintain the sidewalk at all times in a safe condition, free of any and all obstructions or defects, including but not limited to ice and snow.

Section 3. Expense of maintenance and repair to be borne by abutting property owner thereof. The burden and expense of constructing, maintaining and repairing sidewalks along the side of any street or other public place shall fall upon and be borne by the property directly abutting thereon.

Section 4. Enforcement. Members of the police, street and/or Development Services Group shall enforce this chapter and, if any property owners fail or refuse to abate any such nuisance as defined herein, the City Council may, after report filed therewith by an enforcing officer, by resolution requiring such property owner, in addition or an alternative to the penalties prescribed under RCW 35.68, to abate the nuisance by removal, trimming or destruction at such owner's cost and expense within a time specified in the resolution; and if the removal, trimming or destruction is not made by said owner within the time specified, the City officer, agent or unit specified in said resolution may abate the same as provided in RCW 35.68.

Section 5. Notification.

A. It shall be the duty of an owner or occupier of property abutting a pubic sidewalk to notify in writing the City Manager or designee of nay unsafe condition on a public sidewalk abutting the owner's or occupier's property. Such notice shall set forth the nature and location of the unsafe condition and a statement that the unsafe condition was not created by, caused by or contributed to by the abutting owner or occupier of said abutting property. Such notice shall be mailed to the City manager within 48 hours of discovery of the unsafe condition.

ORIGINAL

B. The resolution of the City Council as prescribed in Section 4, above, shall not be passed until the property owner has been given at least ten days' notice of the pendency of the proposed resolution; such notice shall be given by the employee, agent or unit designated in such resolution by mailing a copy of the notice to the owner as such owner's name appears upon the records of the County Assessor and at the address shown thereon, or if no owner or address is shown upon such records, a copy of the notice shall be posted upon the property and also shall be published in one issue of the official newspaper of the City. The mailing, posting and publication shall be made at least ten days before the date of adoption of said resolution and proof thereof shall be made by the officer giving notice by affidavit filed with the City Clerk. The notice shall describe the property involved, the nature of the hazardous condition constituting the nuisance and require the owner to make repairs and state that in the event of the owner's failure to do so, the City will cause the correction of such nuisance and that the cost thereof shall be borne by the owner of the property and become a lien against the property.

Section 6. Procedure to order construction or repair.

A. If in the judgment of the City Manager of designee, public convenience or safety requires that a sidewalk be constructed or repaired along either side of any street, such fact shall be reported to the City Council.

B. If upon receiving a report from the proper officer, the City Council deems the construction of the proposed sidewalk or repair of such sidewalk necessary or convenient for the public health, safety or welfare, the City Council may then order such work to be done pursuant to the procedures established therefor in RCW 35.68 relating to local improvement districts for sidewalks, curbs and gutters; or in the alternative, where the Council deems the method appropriate, the Council may require such work to be done pursuant to Ordinances of the City relating to public improvements required to be done in connection with certain land use and construction permits. In either case, the cost of such proposed sidewalk construction or sidewalk repair shall be borne by the abutting property or the owners thereof, to the extent deemed reasonable and appropriate by the City Council in accordance with the procedures of either RCW 35.68 or other Ordinances of this City.

Section 7. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state of federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

ORIGINAL

Section 8. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after the date of publication or the date of incorporation as the law may require.

PASSED BY THE CITY COUNCIL ON AUGUST 28TH, 1995.

Connie King
Mayor Connie King

ATTEST:

Marie K. O'Connell
Marie K. O'Connell, City Clerk

APPROVED AS TO FORM:

Timothy X. Sullivan
Timothy X. Sullivan, City Attorney

Date of Publication: 8/31/95
Effective Date: 9/5/95